

## Zoning Commission Minutes

August 1, 2013  
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Larry Messer, Klayton Oltmanns, Duane Grundhauser and Jay Elkin present and absent were Gene Jackson, Sue Larsen and Kurt Froelich. Also present were Planner Steve Josephson, Rhonda Ehlis, Auditor Kay Haag, Bill Fahlsing, and Nicole Roberts.

Jay Elkin moved to approve the minutes from the June 27, 2013 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Gary Kostelecky, Dickinson Rural Fire Department, discussed acquiring land for a new fire station. The Zoning Ordinance has an amendment which discusses dedication of land to entities.

Dakota Prairie Refining, LLC is requesting a Final Plat for the Dakota Prairie North Subdivision, Section 15, Township 139, Range 97.

Jay Elkin moved to approve a preliminary plat following staff recommendations for Dakota Prairie North Subdivision.

**STAFF RECOMMENDATION:** Approval of the final plat, dated June 31, 2013, subject to the following conditions:

1. A building permit for any structure within the platted subdivision may not be issued until all of the following improvements are constructed by the developer and approved by Stark County.

- a. The grading of all roadways within the subdivision;
- b. The installation of storm water management facilities required to manage storm water in accordance with an approved storm water management plan and submittal of a statement from a consulting engineer that certifies that the facilities were built in accordance with the approved storm water management plan;
- c. The construction of any other required facilities, such as turning lanes or bridges;
- d. The paving of all roadways and parking areas within the development;
- e. The paving of 38th Avenue Southwest from 116th Street Southwest to the terminus of the Dakota Prairie North Subdivision.
- f. Any other improvements required by the Stark County Zoning Ordinance.
- g. The completion of required off-site improvements, such as the construction of turning lanes or the paving of section line roadways, may be delayed with the submittal of an assurance of completion.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Mitch Erdle. The request was for a zoning change from Agriculture to Agricultural Residential located in NW4 of Section 17, Township 139, Range 91 containing approximately 97.6 acres. Chairman Hoff asked for anyone to speak for or against the zoning change from Agriculture to Agricultural Residential. Janice Schafer from KLJ commented on the cul-de-sac. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for a zoning change from Agriculture to Agricultural Residential following the staff recommendations for Mitch Erdle.

**STAFF RECOMMENDATION:** Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Prior to obtaining a building permit, the developer shall plat the subject property in accordance with the Stark County Subdivision regulations.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Carlton LeBuff. The request was for a zoning change from Agricultural to Commercial and Industrial and a Conditional Use Permit for a fuel and bulk storage facility located in the NE4 of Section 10, Township 139, and Range 97 containing approximately 154 acres. Chairman Hoff asked for anyone to speak for or against the zoning change from Agriculture to Agricultural Residential. Melissa Chruszch voiced concerns on traffic safety. Al Steffan representing Margaret Steffan voiced concerns on the view. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Commercial and Industrial following the staff recommendations for Carlton Lebuff.

**STAFF RECOMMENDATION:** Approval of the proposed rezoning to Industrial based upon the following findings:

1. The proposed rezoning is comparable to and compatible with the existing property to the south and southeast of the subject property; and
2. Development on the subject property shall be limited through the adoption of a planned unit development overlay district.

The request is consistent with the following objective of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

The request is consistent with the following implementation strategy of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Stark County supports the land use and zoning designation of an adequate supply of commercial and industrial land as needed to attract quality business and industrial development within the County. In particular this type of growth should be directed not only to areas adjacent to Dickinson but also to the rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield and the Highway 10 corridor between Dickinson and South Heart.

Development of the property shall be contingent upon adoption of a Planned Unit Development Overlay Zone as well as platting in accordance with the Stark County Subdivision regulations.

Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on proposed amendments to the Stark County Zoning Ordinance. Chairman Hoff asked for anyone to speak for or against the proposed amendment. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the following amendment:

Section 6.7 of the Stark County Zoning Ordinance to include the following language:

**Use of engine brakes, compression brakes, “jake brakes” or similar braking devices is prohibited as posted or signed.**

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Steve Josephson, County Planner, discussed the following items:

Noise ordinance decibels

Gravel Pits

Weeds

Klayton Oltmanns moved to adjourn. Jay Elkin seconded.